

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 17-56753-PWB
)	
6420 ROSWELL ROAD INC.)	
)	
Debtor.)	

NOTICE OF HEARING

(First Interim Fee Application for Debtor's Counsel: \$15,252.66)

PLEASE TAKE NOTICE that Debtor's counsel has filed a SECOND FEE APPLICATION and related papers with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on this Fee Application in Courtroom 1401 at 10:00 a.m. on February 12, 2019.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1401, 75 Spring Street, Atlanta, Georgia 30303.

You must also mail a copy of your response to the undersigned at the address stated below.

By: /s/ Howard P. Slomka, Esquire
Howard P. Slomka, Esquire
Georgia Bar #652875
2859 Paces Ferry Rd. SE.
Suite 1700
Atlanta, Georgia 30339
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
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IN RE:)	CASE NO. 17-56753-PWB
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6420 ROSWELL ROAD INC.)	
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Debtor.)	

**SECOND FEE APPLICATION FEES DUE TO DEBTOR'S ATTORNEY
FROM NOVEMBER 22, 2017 THROUGH NOVEMBER 21, 2018**

(Total payment sought: \$15,252.66)

COMES NOW Slipakoff and Slomka P.C, successor by merger of The Slomka Law Firm P.C (the "Law Firm"), Attorneys for Debtor, and files this Second Fee Application for Chapter 11 Legal Fees Due to Debtor's Counsel (this "Application") and in support thereof respectfully shows as follows:

1. The Law Firm has represented 6420 Roswell Road Inc. ("Debtor") since the date of filing the Petition, April 12, 2017. Employment of Law Firm as Debtor's counsel was approved on May 17, 2017 (Doc. 21)
2. On November 22, 2017 the Law Firm made its First Application for the allowance of interim compensation for pre-confirmation professional services rendered to Debtor from the date of Chapter 11 petition preparation and filing through and including November 22, 2017 (Doc 21).
3. On January 5, 2018, the Court granted the First Fee Application in the amount of \$23,365.00 in addition to expenses of \$200.00 (Doc. 55)

4. On November 21, 2018 (Doc. 90) the present case was converted from Chapter 11 to Chapter 7.

5. The present Second Fee Application is submitted to cover the period of time elapsing between the filing of the First Fee Application on November 22, 2017 and the conversion of the case on November 21, 2018.

6. Law Firm has had numerous conferences and meetings with Debtor, creditors and accountants of Debtor, attorneys for creditors and with the US Trustee's office with reference to this case, and has filed appropriate pleadings and attended hearings and performed other services necessary to the proper administration of the estate.

7. The time expended by Law Firm and the work performed is duly itemized and set forth in the "Accounting" attached here to as *Exhibit A* and incorporated herein.

8. The out-of-pocket expenses incurred by the Law Firm during the Period are not sought in this Fee Application. The copy costs are charged at the rate of \$0.10 per page. Mailing and service costs are charged at the rate of \$1.53 per small envelope or \$2.25 for large envelopes, or \$1.00 over actual postage for oversize, overnight, or special delivery items. The Schedules require 32 creditor envelopes.

9. No agreement or understanding exists between Law Firm and any other person for the sharing of compensation received or to be received for services rendered in connection with this case.

10. Law Firm shows that it has expended a total of 49.5 hours in law firm time for the client during the relevant period, with total fees due in the amount of \$15,252, and is therefore due a total of \$15,252, pursuant to the above-referenced and prior disclosed compensation

agreement. This figure does NOT include the \$1,500 in legal fees and \$1,717 in filing costs paid by Debtor for the preparation and filing of the Chapter 11 petition.

11. Pursuant to this Second Fee Application the Law Firm respectfully requests this Court to allow such sums as Chapter 11 compensation, and to authorize the estate to pay the Law Firm \$15,252.

12. Law Firm makes the following representations with respect to the 12-part Johnson test:

(a) Time and Labor Required. Law Firm has expended a total of 49.5, hours during the Period, at the following rates:

<u>Individual</u>	<u>Hourly Rate</u>
Howard P. Slomka, Esq.	\$350.00
Shawn J. Eisenberg, Esq.	\$300.00
Fernando Bustelo (Paralegal)	\$185.00

(b) Novelty and Difficulty of Questions Presented: Debtor operates an adult entertainment business and night club. Due to unforeseen slowdown in demand and lack of a renewed customer base, in addition to legal fees and expenses related to litigation involving denied permits by Gwinnet County, the businesses stopped generating income and financial difficulties ensued for the Debtor as result of its negative cash flow. The Chapter 11 case involved a rushed filing due to Debtor's unpaid property taxes to the Fulton County Tax Commissioner and outstanding fees owed to law firms including the Levenson Law Firm P.C arising from civil litigation involving Debtor. Moreover, undersigned provided legal counsel regarding the conversion of the case and related actions required from Debtor. Because the case involves a list of 32

creditors holders of various secured and unsecured claims, as well as Debtor's principal who has had no previous bankruptcy experience, the case involved significant client contact and explanation up until the time of conversion of the case into a Chapter 7 bankruptcy.

- (c) Skill Requisite to Perform Legal Services Properly: Law Firm respectfully represents to the Court that it possesses the knowledge and skill to perform the legal services required by Debtor and has represented both Debtor and creditors in similar cases before this Court and others.
- (d) The Preclusion of Other Employment Due to Acceptance of This Client: Law Firm respectfully represents that the time dedicated to serving and visiting this client could have been dedicated to serving other clients of the firm, but for the demands of this case. This is all the more so due to the fact that Firm founder Howard P. Slomka performed the bulk of the legal services personally.
- (e) Customary Fee for the Type of Services Rendered: Law Firm shows that the fees shown in the Accounting \$350.00 per hour for attorneys and \$185.00 for paralegals represent fees customary for representation of clients in Chapter 11 bankruptcy cases.
- (f) Whether Fee is Fixed or Contingent: Law Firm's fees are subject to Court review and approval under 11 USC 330, and to Debtor's ability to pay. As such, collection is not definite, and the fee is not entirely fixed or contingent, but shares characteristics of each.

- (g) Time Limitations Imposed By Client or Other Circumstances: Law Firm shows that many of its tasks were performed under strict time limits and in preparation for hearings with set times. The filing of the original case was demanding, and involved considerable first day motions and hearings.
- (h) Amount Involved and Results Obtained: Law Firm filed a Chapter 11 case to save Debtor, and reorganize its operations. The case has been converted to Chapter 7.
- (i) Experience and Reputation of Attorneys: Law Firm respectfully represents that it has significant experience and respect of peers and others in the legal community. Howard P. Slomka has practiced in Atlanta since 1996, is licensed in two states, and presently serves as partner of the law firm Slipakoff & Slomka P.C. Mr. Slomka also served as General Counsel of a Hotel Holding Company that has navigated through a successful Chapter 11 reorganization under his leadership. Law Firm represents both debtors and creditors in cases filed under Chapter 7, 11, and 13.
- (j) Undesirability of the Case: This factor is not usually applicable to Chapter 11 cases, other than to point out that the Debtor is in the adult entertainment business. By filing this case at the post-judgment stage brought by its main creditor, Law Firm has provided a valuable service to Debtor, and therefore to the creditors as well.
- (k) Nature and Length of Professional Relationship With Client: Law Firm has represented Debtor since filing this case.

- (1) Awards in Similar Cases: The fees sought in this Application are significantly lower than would be expected in similar cases. This is due to the fact that Law Firm has only charged for the time spent by Howard P. Slomka, and has not charged for many phone calls and routine follow up matters as an accommodation to Debtor. As a professional practice, Mr. Slomka does not bill his clients for cell phone calls taken during a commute, and this is when he speaks with Debtor most regularly.

WHEREFORE, Law Firm prays that it be allowed Chapter 11 compensation as follows:

- (1) \$15,252 for legal fees incurred during the Period;
(2) grant any other relief it may deem just and proper.

Respectfully Submitted,
SLIPAKOFF AND SLOMKA, PC
Attorney for Debtor

By: /s/ Howard P. Slomka, Esquire
Georgia Bar #652875
2859 Paces Ferry Rd. SE.
Suite 1700
Atlanta, Georgia 30339
Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
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IN RE:)	CASE NO. 17-56753-PWB
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Debtor.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing SECOND FEE APPLICATION FOR COMPENSATION DUE TO DEBTOR'S ATTORNEY THROUGH NOVEMBER 21, 2018 upon the following by US Mail and the ECF system.

SEE ATTACHED LIST OF CREDITORS

Dated this 26 day of December, 2018.

By: /s/ Howard P. Slomka, Esquire
Georgia Bar #652875
2859 Paces Ferry Rd. SE.
Suite 1700
Atlanta, Georgia 30339
Attorney for Debtor

Label Matrix for local noticing
113E-1
Case 17-56753-pwb
Northern District of Georgia
Atlanta
Fri Aug 17 23:29:57 EDT 2018

6420 Roswell Road Inc.
6420 Roswell Road
Sandy Springs, GA 30328-3112

Angie Lance
6868 Leslie Lane
Macon, GA 31220-5202

Atlanta Beverage
1250 Atlanta Industrial Drive
Marietta, GA 30066-6632

Beverage Control
5215 South Royal Atlanta Drive
Tucker, GA 30084-8611

Beverage Service Supply
1530 Carroll Drive
Suite 103
Atlanta, GA 30318-3600

Chase Auto Finance
PO Box 901076
Fort Worth, TX 76101-2076

City of Sandy Springs Georgia
7840 Roswell Road
Building 500
Sandy Springs, GA 30350-4891

Ecolab
26252 Network Place
Chicago, IL 60673-1262

Empire Distributors
3755 Atlanta Industrial Pkwy
Atlanta, GA 30331-1027

Estate of Charles Evans
6270 Montlake Ave
McDonough, GA 30253-8534

Fikes Services
753 Port America Place
Suite 205
Grapevine, TX 76051-7602

Fulton County Tax Commission
141 Pryor Street SW
Suite 1106
Atlanta, GA 30303-3446

Fulton County Tax Commissioner
141 Pryor St Suite 1113
Atlanta, GA 30303-3566

Genral Wholesale
1595 Marietta Blvd
Atlanta, GA 30318-3642

Georgia Crown
100 Georgia Crown Drive
McDonough, GA 30253-9071

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Harlan S. Miller
6868 Leslie Lane
Macon, GA 31220-5202

Harry Freese
1270 Keans Court
Roswell, GA 30075-6357

INTERNAL REVENUE SERVICE
P O BOX 7346
2970 MARKET STREET
PHILADELPHIA, PA. 19104-5002

Internal Revenue Service
P. O. Box 7346
Philadelphia, PA 19101-7346

KHADEJAH AHMED
6868 Leslie Lane
Macon, GA 31220-5202

Miller Legal, PC
3646 Vineville Avenue
Macon, GA 31204-1868

James H. Morawetz
Office of U.S. Trustee
362 Richard Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, GA 30303-3330

National Distributors
PO Box 44127
Atlanta, GA 30336-1127

Martin P. Ochs
Office of the U. S. Trustee
362 Richard Russell Federal Bldg.
75 Ted Turner Drive, SW
Atlanta, GA 30303-3330

Office of the United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303-3315

Savannah Distributors
2860 Bankers
Atlanta, GA 30360

Secretary of the Treasury
15th & Pennsylvania Avenue, NW
Washington, DC 20200

Howard P. Slomka
Slipakoff & Slomka, PC
Overlook III - Suite 1700
2859 Paces Ferry Rd, SE
Atlanta, GA 30339-6213

U. S. Securities and Exchange Commission
Office of Reorganization
Suite 900
950 East Paces Ferry Road, NE
Atlanta, GA 30326-1382

United Distributors
5500 United Drive
Smyrna, GA 30082-4755

Nancy J. Whaley
Nancy J. Whaley, Standing Ch. 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303-1216

Ryan J. Williams
Nancy J. Whaley
Standing Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303-1286

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Georgia Department of Revenue
Bankruptcy Division
Post Office Box 161108
Atlanta, GA 30321

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Angie Lance

(u)Khadejah Ahmed

(u)Polay & Clark

(u)The Wiggins Law Group LLC

(u)Cary Wiggins

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	5
Total	38

Slipakoff & Slomka, PC
Time Activities by Client Detail

EXHIBIT A

Activity: November 22, 2017 - December 19, 2018
6420 Roswell Road C11

Activity Date	Employee	Product/Service	Memo/Description	Rates	Duration	Billable	Amount
11/29/2017	Howie Slomka	C11 Attorney Services	Review and file October MOR(15 mins); review claims and prep for plan(30 mins); tc louis levenson(15 mins).	350.00	1	Yes	350.00
12/21/2017	Fernando Bustelo (Vendor)	C11 Paralegal Services	Prepare and file November Operating Report(15 mins). Review net returns since filing and increase on revenue(30 mins). Phone conference with client, accountant and HPS(30 mins).	185.00	1.25	Yes	231.25
01/03/2018	Howie Slomka	C11 Attorney Services	TC client re new lawsuits and liabilities(30 mins); review fee app for Jan 4 hrg(20 mins).	350.00	0.8333333	Yes	291.67
01/04/2018	Howie Slomka	C11 Attorney Services	Attend hrg on fee app(90 mins); prep order(20 mins); prep disclosure statement(30 mins)	350.00	2.1666667	Yes	758.33
01/30/2018	Fernando Bustelo	C11 Paralegal Services	Review related financial documents to prepare December Operating report(25 mins). Obtain evidence of payment of past due trustee fees and forward to Jim Morowitz. Email CPA with accounting questions, compile and file Operating Report(20 mins).	185.00	0.75	Yes	138.75
02/07/2018	Howie Slomka	C11 Attorney Services	TC hrlan miller, cary wiggins and Mario; draft disclosure	350.00	0.3333333	Yes	116.67
02/13/2018	Howie Slomka	C11 Attorney Services	Research sale of possessory interest in lease...email client (90 mins). TC with lawyers for ethical consultations (60mins)	350.00	2.5	Yes	875.00
2/14/2018	Howie Slomka	C11 Attorney Services	TC Harry Freese re purchase of possessory interest; further research re caselaw and recent offers (90 mins).	350.00	1.3333333	Yes	466.67
02/21/2018	Howie Slomka	C11 Attorney Services	review files and prep plan(60mins); TC with client re sale of possessory interest (20 mins)	350.00	1.3333333	Yes	466.67
03/09/2018	Howie Slomka	C11 Attorney Services	work on budget and disclosure statement(60 mins); review claims (30 mins); TC to creditors about payment terms and plans and POC amendments (45 mins).	350.00	2.3333333	Yes	816.67
03/12/2018	Howie Slomka	C11 Attorney Services	finalize disclosure statement and math/spreadsheets(60 mins) and plan (60 mins) and file both (60 mins).	350.00	3	Yes	1,050.00
03/19/2018	Howie Slomka	C11 Attorney Services	prep and mail service of Disclosure statement order, including copying and service.	350.00	2	Yes	700.00
04/23/2018	Howie Slomka	C11 Attorney Services	TC HARLAN MILLER (30 mins); PREPARE FOR DISCLOSURE STATEMENT HEARING(1.1 hours) ; TC ANNE HSIE RE FINANCIALS (45 mins).	350.00	2.3333333	Yes	816.67
04/24/2018	Howie Slomka	C11 Attorney Services	Prep for and attend hearing on disclosure statement(2 hours); amend and review M. operating reports (30 mins).	350.00	2.5	Yes	875.00

05/07/2018	Howie Slomka	C11 Attorney Services	review all filed MORS and revise Disclosure statement to explain what happens if no sale of land	350.00	0.5	Yes	175.00
05/08/2018	Howie Slomka	C11 Attorney Services	Revise plan and tc chambers re order for hearing(30 mins). email creditors (15 mins).	350.00	0.75	Yes	262.50
05/14/2018	Howie Slomka	Chapter 11 Filing Fees	MOR and review plan and ballots	0.00	0.4166667	Yes	0.00
05/15/2018	Howie Slomka	C11 Attorney Services	review MOR and TC client about papers for 341; prepare for confirmation hrg	350.00	0.3333333	Yes	116.67
06/15/2018	Howie Slomka	C11 Attorney Services	review docket and MOR(25 mins); draft papers for confirmation hearing 40mins)	350.00	1.0833333	Yes	379.17
06/25/2018	Howie Slomka	C11 Attorney Services	TC CLIENT RE LIKELY SHUT DOWN OF BAR. REOPENING AS NEW OPERATION (60 mins). Multiple calls and emails re next plans and likely budgets (60 mins)	350.00	2	Yes	700.00
07/25/2018	Howie Slomka	C11 Attorney Services	TC Harlan Miller and Harry Freese re future of case(60 mins), club and 2004 exam (30 mins); review plan and dodcket (30 mins).	350.00	2	Yes	700.00
08/02/2018	Howie Slomka	C11 Attorney Services	Draft and file Appl and order and notice for plan approval and hrg 50; reach out to client re health and club status ; tc civil attorney re lawsuits 30	350.00	1.3333333	Yes	466.67
08/17/2018	Howie Slomka	C11 Attorney Services	TC COUNSLE RE STATE COURT PROCEEDINGS; REVIEW MOR AND INSURANCE DECS	350.00	0.4166667	Yes	145.83
08/17/2018	Hakan Demiroglu	Chapter 11 Filing Fees	mailing cost to serve creditors with the Order Confirming DS, Amended Plan and Ballots in the Chapter 11 case of 6420 Roswell. TC and emails with Cary Wiggins re Fulton county hearing(30 mins); tc client re same (30 mins).	11.80	1	Yes	11.80
09/05/2018	Howie Slomka	C11 Attorney Services	review case status and plan for compliance.	350.00	1	Yes	350.00
9/13/2018	Howie Slomka	C11 Attorney Services	Prepare and file Ballot Report; confrim all incoming and filed ballots; confirm style and form and file with Court; prepare for confirmation.	250.00	1.5	Yes	375.00
10/01/2018	Howie Slomka	C11 Attorney Services	Personal meeting with Harry Freese and granddaughter to discuss conversion of the Chapter 11 case to Chapter 7. Go over assets and creditors and correlation to personal BK as well. Noon until 2:25 pm at hospital	350.00	2.25	Yes	787.50
10/19/2018	Howie Slomka	C11 Attorney Services	30 min TC with Harry Freese re upcoming hearings; review docket and motions(30 mins); TC creditors and LL concerning assets in store.	350.00	1	Yes	350.00
10/23/2018	Howie Slomka	C11 Attorney Services	Prep for and attend hrg on MTD and confirmation (2hours) draft order and TC with client regarding LL claims and lifting stay (1 hour)	350.00	3	Yes	1,050.00
11/02/2018	Fernando Bustelo	C11 Paralegal Services	Draft fee application for CPA, notice and proposed order. Transmit to HPS and file with exhibits.	0.00	1.1666667	No	

			Review brief by UST (20 mins) Draft email to UST and place TC (15 mins)			
11/14/2018	Howie Slomka	C11 Attorney Services	Review case law and propose a consent order to convert to C7. Review claims and prepare for hrg on Thursday. (1:25)	350.00	2 Yes	700.00
			45 MINs - prep for and attend hrg in court; 30 Mins prep and file Disclosure of new civil case; review consent order; 30 mins - TC with client and review filed; email L levenson about need to transfer trust account.			
11/14/2018	Howie Slomka	C11 Attorney Services		350.00	1.75 Yes	612.50
11/19/2018	Howie Slomka	C11 Attorney Services	review and upload final consent order.	350.00	0.3333333 Yes	116.67
			CASE CONVERTED ON NOV 21, 2018 - NO FURTHER FEES			
					<u>49.5</u>	<u>\$ 15,252.66</u>